

LAW AREA NAME : GENERAL
SECTION NAME : BACK WARD CLASSES
SUB SECTION NAME : SC,ST, PREVENTION OF ATROCITIES

LAW IN BRIEF

The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been enacted to prevent crimes against members of scheduled castes and scheduled tribes and to provide for relief and rehabilitation of victims of such offences.

LAW IN DETAIL

A person who is not a member of a scheduled caste or a scheduled tribe and commits an offence listed in the Act against a member of a scheduled caste or a scheduled tribe is an offender.

The offences listed under the Act are:

- Forced to eat or drink an offensive or uneatable substance;
- Caused annoyance, injury or insult by an excreta or waste matter being dumped in his premises or neighbourhood;
- Paraded naked or with painted face or body;
- Wrongfully deprived of cultivation of his land;
- Wrongfully deprived of his rights over any land, premises or water;
- Forced to do beggar or work as a bonded labor;
- Prevented from exercising his right to vote or according to his wishes;
- Subjected to false legal proceedings;
- Caused any injury or annoyance by a public servant on the basis of false information given to him.
- Deliberately insulted and humiliated in public view;
- A woman who is sexually assaulted;
- Deprived of his right of passage to a public place;
- Forced to leave his house or village;
- Falsely implicated in a criminal case which might result in his imprisonment or execution;
- Intended harm or injury by burning a place of his dwelling or worship;
- Wrongfully caused injury or subjected to any other offence by a public servant.

All the offences under the Act are cognizable and the police can arrest the offender without warrant and start investigation without taking orders from the court.

The minimum punishment in most cases is six months imprisonment while the maximum is five years with fine. In some cases, the minimum may be enhanced to one year while maximum may be extended up to life imprisonment or even death sentence.

If any public servant, not being a member of the scheduled caste or scheduled tribe adeliberately neglects his duties which he has to perform under the Act, he is liable for punishment with imprisonment up to six months.

The provision for anticipatory bail is not available to the offender under the Act.

The victim of the atrocity is entitled to compensation ranging between Rs. 20,000 to Rs. 200,000. The District Magistrate or District Welfare Officer may be contacted for details and settlement of claims. Every victim or his dependents and witness will be paid traveling and maintenance allowance for visiting the investigating officer, DSP, SP, District Magistrate or any other Executive Magistrate to attend any inquiry, investigation or trial of the case.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 3

Whom to complain / where to complaint?

The victim or any person who knows that an offence has been committed under the Act may report the incident to the nearest police station and lodge a complaint.

How to file the Case ?

The complaint will be registered as an FIR by the police officer. An offence under the Act can be investigated by a police officer, not below the rank of a Deputy Superintendent of Police.

The investigating officer has to complete the investigation within 30 days on top priority.

What Next ?

If the victim is not satisfied with the action taken by the police, he may write to the District Superintendent of Police.

ALTERNATE REMEDIES

Alternatively, he may write to the National Commission for Scheduled Castes and Scheduled Tribes, Government of India, 5th floor, Lok Nayak bhawan, Khan market, New Delhi – 110 003. phone (011) 462 0435 fax: (011) 462 5378.